

PATENT
Attorney Docket 612,404-408
(formerly atty docket 265/018)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	John J. Carrino, et al.)	Group Art Unit: 1634
Serial No.:	09/865,807)	Examiner: G. Jones
Filed:	May 25, 2001)	(formerly J. Taylor)
For:	Multiplex Amplification And)	
	Separation Of Nucleic Acid Sequences)	
	Using Ligation-Dependent Strand)	
	Displacement Amplification And)	
	Bioelectronic Chip Technology)	

SUPPLEMENTAL RESPONSE

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Assistant Commissioner:

As an initial matter, Applicants appreciate the courtesy extended by Examiner Jones to the undersigned representative in a telephone conference on November 6, 2002, to discuss a recently filed terminal disclaimer for this Application. On October 22, 2002, in response to the Office Action mailed April 25, 2002, Applicants submitted an Amendment and Response along with a Terminal Disclaimer to address the issues raised in the Office Action and to place this Application in condition for allowance. Former Examiner Taylor had noted in the Office Action that, although they were rejected under the judicially created doctrine of obviousness-type double patenting, the currently pending claims were free of the prior art.

In reviewing the filed papers, we discovered that the Terminal Disclaimer filed October 22, 2002, contained a typographical error and inadvertently referred to U.S. Patent No. 6,309,833 in the

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(37 C.F.R. §1.8)

I hereby certify that this correspondence (along with any referred to as being attached or enclosed) is being facsimile transmitted to the U.S. Patent and Trademark Office (Fax No. (703) 746-5111) on November 6, 2002.

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second and third paragraphs, although the Terminal Disclaimer correctly referred to U.S. Patent No. 6,238,868 in the first paragraph. Accordingly, Applicants submit herewith an updated Terminal Disclaimer to properly disclaim the terminal part of any patent granted on this Application that would extend beyond the statutory expiration date of U.S. Patent No. 6,238,868, subject to the statements in the Terminal Disclaimer.

Please withdraw the Terminal Disclaimer filed October 22, 2002, and substitute that disclaimer with the corrected Terminal Disclaimer submitted herewith. Also, please ensure that any patent issuing from this Application properly reflects that the subject of the Terminal Disclaimer is U.S. Patent No. 6,238,868.

Applicants invite the Examiner to telephone the undersigned representative if the Examiner believes that a telephonic interview would advance this case to allowance.

Respectfully submitted,

O'MELVENY & MYERS LLP

By:



Polaphat Veravanich
Reg. No. 45,179
Attorneys for Applicants

Dated: November 6, 2002



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PATENT TRADEMARK OFFICE

O'Melveny & Myers LLP
114 Pacifica, Suite 100
Irvine, CA 92618-3315
(949) 737-2923

IRI:1036504. 12

O'MELVENY & MYERS LLPOfficial
114 Pacifica, Suite 100
Irvine, California 92618-3318TELEPHONE (949) 737-2900
FACSIMILE (949) 737-2300

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MESSAGE

Re: Carrino et al.
U.S. Application Serial No. 09/865,807Attorney Docket No. 612,404-408
(formerly docket 265/018)For: Multiplex Amplification and Separation of Nucleic Acid Sequences Using Ligation-
Dependent Strand Displacement Amplification and Bioelectronic Chip TechnologyDocument(s) attached:

1. Supplemental Response – 2 pages
2. Terminal Disclaimer – 2 pages

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OR OUR FAX DEPARTMENT AT (949) 737-2981.

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